

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO *et al.*,

Plaintiffs,

v.

PATRICK MCCRORY *et al.*,

Defendants

CASE NO. 1:16-CV-00236-TDS-JEP

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NORTH CAROLINA *et al.*,

Defendants

CASE NO. 1:16-CV-00425-TDS-JEP

NORTH CAROLINIANS FOR PRIVACY,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants

CASE NO. 1:16-CV-00845-TDS-JEP

**MOTION BY ALL DEFENDANTS AND NORTH CAROLINIANS FOR
PRIVACY TO STAY PROCEEDINGS IN LIGHT OF *G.G.***

Pursuant to Local Rule 7.3(j), and for the reasons stated in the Supplemental Brief filed earlier today (Doc. 112), all Defendants and North Carolinians for Privacy (“NCFP”) respectfully ask the Court to stay trial and discovery proceedings in these cases in light of the Supreme Court’s order in *Gloucester County School Board v. G.G. ex rel. Grimm*, No. 16A52, 2016 U.S. LEXIS 4361 (U.S. Aug. 3, 2016), and in support of that relief state as follows:

1. Defendants and NCFP ask the Court to stay the scheduled trial and discovery proceedings (*see* Doc. #96 (Magistrate’s scheduling order)), until the Supreme Court either denies certiorari in *G.G.* or grants review and renders a decision in *G.G.*

2. Alternatively, Defendants and NCFP ask the Court to stay the scheduled trial and deposition discovery period, including all related deadlines for pre-trial briefing and designations (*see* Doc. #96, at 5-6, ¶¶7-13), until the Supreme Court either denies certiorari in *G.G.* or grants review and renders a decision in *G.G.*; the UNC Defendants ask the Court to stay all discovery, including written discovery, against them unless and until the Court denies their pending motions to dismiss. Whereas written discovery will proceed against all Defendants other than the UNC Defendants, Defendants and NCFP ask the Court to direct the parties to meet and confer, on or before August 29, 2016, regarding a less compressed schedule for written discovery (*see id.* at 4, ¶5).

3. Additionally, with respect to the United States’ motion for preliminary injunction (*United States of America v. State of North Carolina, et al.*, Doc. #73), Defendants and NCFP ask the Court to decide that motion on the current schedule, based on the briefing and exhibits alone and without the need for discovery or an evidentiary

hearing. The UNC Defendants also ask the Court to decide their pending motions to dismiss on the current schedule.

4. Counsel for the *Carcaño* Plaintiffs and counsel for the United States oppose this motion.

(Counsel signatures on following pages)

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83.1(d)

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participating attorneys.

This the 12th day of August, 2016.

/s/ S. Kyle Duncan
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